

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 22, 2001

**D035096        People v. Creasy**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a). The appeal is dismissed.

**D035521        People v. Green**

Judgment affirmed. Benke, Acting P.J.; We Concur: Huffman, J., Nares, J.

**D034212        Wilkerson et al. v. Brock et al.**

The order is reversed as to paragraphs (d), (f) and (e) of the preliminary injunction and as to its provision prohibiting contact by "DEFENDANTS or persons served this Order, or anyone acting on their behalf...with anyone who has signed a declaration in the matter, any of the complainants or any of the Plaintiffs in the lawsuit," and the matter is remanded with directions that the court refashion the latter provision in accordance with our opinion. The order is otherwise affirmed. Each party is to bear its own costs on appeal. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

**D035770        People v. Morales**

Judgment affirmed. McDonald, J.; We Concur: Kremer, P.J., McIntyre, J.

**D035559        City of San Diego v. Dunkl et al.**

**D035585        Padres L.P. v. Dunkl et al.**

(consolidated) The summary judgments and the underlying rulings are affirmed. Appellants to pay all costs on appeal. CERTIFIED FOR PUBLICATION. Huffman, J.; We Concur: Kremer, P.J.,

McDonald, J.

**D033926        People v. Wauneka**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D037048        In re Gabrielle N., a Juvenile**

The attorney for petitioner Jennifer N. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D035794        In re Kyle O., a Juvenile**

The juvenile court's orders are affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D035674        In re Hakim C., a Juvenile**

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Haller, J.

**D036741        In re Krueger on Habeas Corpus**

The petition is denied.

**D036522        People v. Trujillo**

The judgment is reversed and the trial court is directed to enter a new order granting Trujillo's motion to suppress evidence. Work, Acting P.J.; We Concur: Benke, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 22, 2001 (Continued)

**D036521        People v. Evans**

The judgment is affirmed. McIntyre, J.; We Concur: Kremer, P.J., Nares, J.

**D035169        People v. Rojas**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Nares, J., McDonald, J.

**D034999        People v. Martinez**

The appeal is dismissed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D034990        People v. Perez**

The conviction and order placing Perez on probation are affirmed but for the condition she abstain from using alcohol. The alcohol use condition is stricken. The court shall modify the probation order to reflect this change. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D036669        Syntron Bioresearch, Inc. v. Chu et al.**

The postjudgment order awarding sanctions against Daniel W. Watkins is reversed and the matter is remanded to the Superior Court, which is directed to vacate the order. The judgment is dismissed. The request for joinder and the request for attorney fees are denied. Each party shall bear its own costs on appeal. The remittitur shall issue immediately. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D036405        In re the Marriage of O'Neil**

The order is affirmed. Beverly is awarded her costs of appeal. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D036583        In re Johnson on Habeas Corpus**

The petition is denied.

**D034609        People v. Inthavong**

The petition for rehearing is denied.

**D036410        Rollins Leasing Corp. v. Proficient Foods Co.**

Judgment affirmed. Haller, J.; We Concur: Kremer, P.J., McDonald, J.

**D036976        In re London on Habeas Corpus**

The petition is denied.

**D034658        People v. Smith**

The order revoking appellant's probation is reversed. Benke, Acting P.J.; We Concur: McIntyre, J., O'Rourke, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 22, 2001 (Continued)

**D037024 Gillmann v. San Diego County Superior Court/Futura Properties et al.**

Let a writ of mandate issue directing the superior court to vacate that portion of its October 20, 2000, order compelling arbitration and dismissing the case without prejudice and to enter a new order denying the real estate defendants' petition. This opinion is final immediately as to this court. (Cal. Rules of Court, Rule 24(d).) Costs to petitioner. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D034807 Masters v. SCPIE Holdings, Inc. et al.**

The judgment is affirmed. Kremer, P.J.; We Concur: Haller, J., McDonald, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 23, 2001

**D036488        People v. Martinez III**

The judgment is reversed. It is further directed that Martinez be released from confinement on these charges, as no retrial thereof is permissible. Huffman, J.; We Concur: Kremer, P.J., McIntyre, J.

**D036785        In re Jordan on Habeas Corpus**

The petition is denied.

**D034835        People v. Garcia**

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., McIntyre, J.

**D036125        In re T. M. a Juvenile**

The judgment is affirmed. Nares, J.; We Concur: Kremer, P.J., Haller, J.

**D035166        People v. Wrighten**

Judgment affirmed. Nares, J.; Huffman, Acting P.J., McIntyre, J.

**D034574        McElhinney et al. v. Hahn et al.**

The judgment is affirmed and the matter is remanded to the trial court to rule on Appellants' timely filed and pending motion to set aside the judgment under Code of Civil Procedure section 473. Respondents are entitled to costs on appeal. McDonald, J.; We Concur: Benke, Acting P.J., Haller, J.

**D034689        People v. Torres**

The judgment is modified to reflect a fine of \$200 under section 1202.45. The superior court is directed to amend the abstract of judgment accordingly and to forward an amended abstract to the Department of Corrections. In all other respects the judgment is affirmed. Huffman, J.; We Concur: Benke, Acting P.J., Nares, J.

**D036556        New York Yankees, ACE USA v. Workers' Compensation Appeals Board  
and Montefusco**

The petition is denied.

**D035314        Rimmer v. Galascione et al.**

The judgment is affirmed. Nares, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D037068        Vargas v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 24, 2001

**D036861        Housefold Commercial of California v. 2021 Business Center Drive  
Investment Co. et al.**

The parties agree that the matter is moot and should be dismissed. There being no remaining appellate objective, the case is dismissed.

**D036490        People v. Elzie**

Affirmed. Haller, J.; We Concur: Kremer, P.J., McDonald, J.

**D036010        Hobby v. Bowen**

Order reversed. Each party to bear his or her costs on appeal. Haller, J.;  
We Concur: Benke, Acting P.J., McDonald, J.

**D036650        Robert B. v Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The petition is granted as to the court's finding there was no substantial probability of return by the  
18-month date. In all other respects, it is denied. The court is directed to vacate its order  
terminating Robert's reunification services and referring the matter to a section 366.26 hearing.  
The court is to provide further services to Robert not inconsistent with this opinion. This opinion  
is final immediately as to this court. (Ca. Rules of Court, rule 24(d).) Kremer, P.J.; We Concur:  
Haller, J., McIntyre, J.

**D034421        People v. Chipp**

Judgment affirmed. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

**D036451        People v. Martinez**

The judgment is affirmed. McDonald, J.; We Concur: Work, Acting P.J., Huffman, J.

**D036519        People v. Jones**

The judgment is affirmed. McDonald, J.; We Concur: Kremer, P.J., Benke, J.

**D036444        Anders et al., v. Rose**

The judgment is reversed as to Anders's second cause of action and the superior court directed to enter judgment in Anders's favor on that cause of action and determine an appropriate award of prejudgment interest. The portion of the judgment denying Anders prejudgment interest on his first cause of action is reversed and the superior court directed to amend the judgment to include prejudgment interest on the installment payments made under the May 1995 note from the date of each payment. In all other respects, the judgment is affirmed. The parties shall bear their own costs on appeal. O'Rourke, J.;  
We Concur: Benke, Acting P.J., Huffman, J.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 24, 2001 (continued)

**D035870        In re Cecilia G., a Juvenile**

**D036153        (consolidated)** The judgment terminating parental rights is reversed. The dispositional order is also reversed, and the juvenile court is directed to hold a new disposition hearing. McIntyre, J.; We Concur: Kremer, P. J., O'Rourke, J.

Court convened at 1:30 p.m.

Present: The Honorable Daniel Kremer, Presiding Justice, and The Honorable Associate Justices Gilbert Nares and Judith Haller  
Deputy Clerk: D. E. Moore

**D036432        Health Industries of America, Inc. v. Andrea Collins Root et al.**

Cause called on merits. Michael Francis McEntee, Esq. argued for appellant. Thomas Aaron Bolan, Esq. argued for respondent. Mr. McEntee replied for appellant. Cause submitted.

Court adjourned at 2:00 p.m.

**D036526        People v. Espinosa**

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D035738        In re Adrian S., a Juvenile**

The petition for rehearing is denied.

**D036700        In re Alexandra P., a Juvenile**

The appeal is dismissed. Kremer, P.J.; We Concur: Haller, J., McIntyre, J.

**D036743        Maria S. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. Kremer, P.J.; We Concur: Haller, J., McIntyre, J.

**D036958        People v. Lopez**

The appeal is dismissed.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 25, 2001

**D035771        People v. Headlund**

Judgment affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D035345        People v. Cambaliza**

The order granting a new trial is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McDonald, J.

**D034656        People v. Sprague**

The order revoking probation and lifting the stay on the three-year prison term is affirmed. O'Rourke, J.; We Concur: Benke, Acting P.J., McIntyre, J.

**D036906        In re Julian S., a Juvenile**

The appeal is dismissed. Kremer, P.J.; We Concur: Haller, J., McIntyre, J.

**D036434        Laborde v. Laborde**

The judgment is affirmed. Nelida is awarded costs on appeal. Benke, J.; We Concur: Kremer, P.J., Haller, J.

**D036098        In re Carnell E., a Juvenile**

The judgments are affirmed. Huffman, J.; We Concur: Kremer, P.J., McDonald, J.

**D036502        People v. Ascencio et al.**

The judgments are affirmed. Kremer, P.J.; We Concur: Haller, J., McDonald, J.

**D032496        People v. Parrison**

The petition for rehearing is denied.

**D035615        Newport Pacific, Inc. et al. v. County of San Diego et al.**

It is ordered that the opinion filed December 27, 2000, is modified. There is no change in judgment. The petition for rehearing is denied.

**D035816        In re Katrina G., a Juvenile**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., Benke, J.

**D036192        Gibson v. San Diego Housing Commission**

The petition is denied.

**D037233        Wiltgen v. Superior Court of San Diego County/Poole et al.**

The petition is denied.

COURT OF APPEAL OF STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE

January 26, 2001

**D033201 Walsh et al. v. Bristol-Myers Squibb Company et al.**

The judgment is affirmed. Benke, Acting P.J.; We Concur: Huffman, J., McDonald, J.

**D036447 Mansdorf v. Irvine Medical Center**

The judgment is affirmed. Mansdorf to pay costs on appeal. O'Rourke, J.;  
We Concur: Benke, Acting P.J., McIntyre, J.

**D037202 Baumer v. Superior Court of San Diego County/People**

The petition is denied as untimely.